Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 4-6 and 8-24 are pending in the application, with claims 8 and 9 being the independent claims. Claims 1-3 and 7 are cancelled without prejudice to or disclaimer of the subject matter therein. New claims 10-24 are added. Claims 4-6 and 8-9 are amended herein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Claims

The Examiner objected to claim 9 based on a typographical error. Applicants have amended claim 9 to address the typographical error. Accordingly, Applicants respecfully request the withdrawal of this objection.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 2 and 4-9 under 35 U.S.C. § 102(b) as being anticipated by European Patent Publication No. EP 1223019 to Sattler *et al.* ("Sattler I").

Applicants have cancelled claims 1-3 and 7 and amended claims 4-6 and 8-9 for clarity and to better define the invention. However, applicants submit that claims 1-3 and 7 as filed were patentable over Sattler I for the same reasons discussed below with respect to independent claims 8 and 9.

Independent claim 8 calls for an injection molding apparatus comprising, *inter alia*, "a linear actuator connected to said valve pin having a position sensor and a cooling assembly,

wherein said position sensor is disposed within said cooling assembly." Similarly, independent claim 9 particularly calls for an injection molding apparatus comprising, *inter alia*, "a linear actuator connected to said valve pin having a position sensor and a cooling assembly, wherein said position sensor is positioned substantially proximal to said cooling assembly." Applicants submit that Sattler I does not teach a position sensor either disposed within a cooling assembly or positioned substantially proximal to a cooling assembly.

Instead, Sattler I teaches first and second bores 38,39 connected to fluid ducts by which hydraulic oil causes piston 33 to advance and retract within a cylinder housing 30. Col. 4, lines 7-14, FIG. 4. Hydraulic oil is conducted to bores 38,39 via hydraulic ducts 56,57. See FIG. 4 Flow meters 58,59 are positioned within hydraulic ducts which generate "a displacement signal, indicating when the piston is not in one of its end positions." Col. 5, lines 19-22. However, the flow meters 58,59, which register whether the piston is not in one of its end positions, are neither disposed in nor positioned substantially proximal to a cooling assembly.

According to Sattler I, "The flow meters 58,59 as well as the processing/display device 62 can be placed *outside the high temperature area of the injection moulding device.*" Col. 5, lines 28-31 (emphasis added). Thus, not only are the flow meters 58,59 not positioned near the cooling plate 14, they are not even positioned near the entire injection molding device. Thus, Sattler I teaches away from placing a position sensor in or substantially proximal to a cooling assembly within a linear actuator of an injection molding apparatus.

For at least these reasons, Applicants submit that claims 8 and 9 are patentable over Sattler I. Claims 4-6 and 10-18 depend from and add further features to one of claims 8 and 9 and are thus patentable for at least the same reasons as claims 8 and 9. Claims 1-3 and 7 have been canceled thus rendering the rejection thereof moot. Accordingly, Applicants respectfully request the withdrawal of this 35 U.S.C. § 102(b) rejection.

Rejections under 35 U.S.C. § 103

The Examiner rejected claim 3 is rejected under 35 U.S.C. § 103(a) as being obvious over European Patent Publication No. EP 1223020 to Sattler *et al.* ("Sattler II"). The Examiner stated that:

> positioning the sensors within the cooling plate would have been obvious [case law omitted] where a change in location of a part when operation of the part not otherwise modified is considered within the skill of the ordinary artisan. Also, where a part is to be maintained at a proper temperature, such as by cooling, locating the part in a cooled object is considered obvious since the cooling plate maintains part 15 at a proper temperature by providing a heat sink thereto.

(Office Action at p. 3.) Claim 3 has been canceled herein rendering this rejection moot.

Further, Sattler II does not cure the deficiencies discussed above with respect to independent claim 8 and 9 nor does it teach or suggest that it would have been obvious to have a position sensor disposed within or substantially proximal to a cooling assembly of a linear actuator. Instead, Sattler I and Sattler II both teach away from placing the flow meters 58,59 within or substantially proximal to the actuator or even in or substantially proximal to the entire injection molding apparatus. In particular, just as discussed above with respect to Sattler I, Sattler II also states that "[t]he flowmeters 58,59 as well as the processing/display device 62 can be placed *outside the high temperature area* of the injection moulding device." Col. 5, lines 35-38 (emphasis added). As such, even with the use of cooling plate 14, as illustrated in FIG. 2 and discussed at col. 3, lines 33-46, Sattler I and Sattler II teach away from including a position sensor in or substantially proximal to a cooling assembly of a linear actuator of an injection molding apparatus, but rather suggest having flow meters 58,59 disposed away from the heat of the injection molding apparatus.

Accordingly, Applicants submit that the claims, as amended, are patentable over Sattler I and Sattler II. Accordingly, Applicants respectfully request the withdrawal of the 35 U.S.C. § 103(a) rejection.

New claims 10-24

New claims 10-18 depend from and add further features to either independent claim 8 or independent claim 9 and thus are patentable for at least the reasons discussed above with respected to independent claims 8 and 9.

New independent claim 19 calls for, *inter alia*, "a position sensor disposed within said opening in said cooling plate." New independent claim 21 calls for, *inter alia*, "a position sensor disposed substantially proximal to said cooling plate." For the same reasons discussed above with respect to independent claims 8 and 9, neither Sattler I nor Sattler II teach or suggest a position sensor disposed within or substantially proximal to a cooling plate, but rather teaches away from the claimed invention. Accordingly, Applicants submit that independent claims 19 and 21 are patentable over Sattler I and

Sattler II. Dependent claims 20 and 22-24 depend from and add further features to either independent claim 19 or independent claim 21 and are thus patentable for at least the same reasons as independent claims 19 and 21.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

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